

MINUTES OF THE REGULAR CITY COUNCIL MEETING
TUESDAY- -OCTOBER 2, 2007- -7:30 P.M.

Mayor Johnson convened the Regular City Council Meeting at 7:55 p.m.

ROLL CALL - Present: Councilmembers deHaan, Gilmore, Matarrese, Tam and Mayor Johnson - 5.

Absent: None.

AGENDA CHANGES

None.

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(07-472) Welcoming of new Fire Chief, David A. Kapler.

The City Manager introduced the new Fire Chief and the City Clerk administered the Oath of Office.

Fire Chief Kapler stated that he is honored to serve Alameda.

(07-473) Proclamation declaring October as Disability Awareness Month.

Mayor Johnson read and presented the proclamation to Audrey Lord-Hausman, Chair of the Commission on Disability Issues.

Ms. Lord-Hausman introduced Commission on Disability Issues Members Roberta Kreitz, Toby Berger, and John Robinson; invited everyone to attend a tree planting to commemorate Disability Awareness Month at Lincoln Park on Saturday at 11:00 a.m.

(07-474) Proclamation declaring October 15 through 19, 2007 as National Business Women's Week.

Mayor Johnson read and presented the proclamation to Isle City of Alameda Business and Professional Women President JoAnn Ainsworth and founding member Margaret Seaman.

Ms. Ainsworth thanked Council for recognizing the work of women in the community.

Ms. Seaman presented a basket of pink ribbons in recognition of Breast Cancer Awareness Month.

(07-475) Proclamation declaring October 19, 2007 as Chuck Corica Golf Complex Day.

Mayor Johnson read and presented the proclamation to Jane Sullwold, Chair of the Golf Commission.

Ms. Sullwold stated the Golf Course is going through a difficult time; difficult decisions will need to be made; the Golf Course will continue to serve the community if the right steps are taken.

CONSENT CALENDAR

Mayor Johnson announced that the Minutes [paragraph no. 07-476] and the recommendation to allocate \$292,400 [paragraph no. 07-478] were removed from the Consent Calendar for discussion.

Councilmember Matarrese moved approval of the remainder of the Consent Calendar.

Vice Mayor Tam seconded the motion, which carried by unanimous voice vote - 5. [Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(07-476) Minutes of the Special City Council Meeting held on September 11, 2007, and the Special and Regular City Council Meetings held on September 18, 2007.

Vice Mayor Tam moved approval of the minutes with the following changes to Page 10 of the Regular September 18, 2007 minutes... "the League failed to gain the support of a bi-partisan State Legislator" and ... "renewal of the League's grass roots network."

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

(*07-477) Ratified bills in the amount of \$2,523,628.45.

(07-478) Recommendation to allocate \$292,400 from Measure B Funds and award a Contract in the amount of \$521,700, including contingencies, to Bay Line Concrete, Cutting, Coring, and Drilling, Inc., for the Grand Street Bridge and Ballena Boulevard Bridge Repair and Resurfacing, No. P.W. 11-06-24.

Councilmember deHaan stated that Council requested the removal of the cyclone fence once the Grand Street Bridge repair is completed; inquired whether efforts would be made to eliminate the cyclone fence.

The City Engineer responded that the cyclone fence would not be needed once the railing is replaced; the spacing will be small enough to ensure that no one could slip through the area.

Councilmember deHaan moved approval of the staff recommendation.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 5.

(*07-479) Recommendation to adopt Plans and Specifications and authorize Call for Bids for Heating, Ventilating and Air Conditioning Systems Maintenance in various City facilities, No. P.W. 09-07-30. Accepted.

(*07-480) Resolution No. 14147, "Realigning the Harbor Bay Business Park Assessment District 92-1 Budget and Allocating Funds for the Repair of Streets within the Assessment District Boundary." Adopted.

(*07-481) Ordinance No. 2972, "Reclassifying and Rezoning Approximately 10.77 Acres Located North of Singleton and Mosley Avenues at 201 Mosley Avenue, from R-4-G, Neighborhood Residential (Special Government) to Open Space Zoning Designation." Finally passed.

REGULAR AGENDA ITEMS

(07-482) Recommendation to accept the work of Cal-West Lighting and Signal Maintenance for installation of Countdown Pedestrian Signal Head and Audible Pedestrian Signal, No. P.W. 01-07-01.

The City Engineer gave a brief presentation.

Mayor Johnson stated that the manufacturer should inform cities regarding [noise] issues with the system; the intention is good; the City wants to make the community more accessible and friendly for people with disabilities; thanked the Public Works Department for taking a step in the right direction; stated refinements will be necessary to make the system work.

Councilmember Matarrese stated that he appreciates that the signals will be disabled until a solution is found; inquired whether motion detectors have been considered.

The City Engineer responded that staff is exploring other cities' solutions.

Councilmember deHaan inquired whether the vendor offers a system

with motion detectors.

The City Engineer responded in the affirmative; stated said system is more expensive; the system would have been ordered if current facts were known.

Councilmember deHaan inquired whether in-pavement lights would be placed between Santa Clara Avenue and Central Avenue.

Mayor Johnson responded that said lights have already been installed.

Michael John Torrey, Alameda, stated that he would like to see in-pavement lights at the intersection of Main Street and Ralph Appezzato Parkway.

Councilmember Matarrese moved approval of the staff recommendation.

Councilmember deHaan seconded the motion.

Under discussion, Councilmember deHaan stated that hopefully money will be available to install embedded lights.

On the call for the question, the motion carried by unanimous voice vote - 5.

(07-483) Recommendation to adopt the City of Alameda Ferry Short Range Transit Plan, Fiscal Year 2008/2018 and receive an update on the Water Emergency Transportation Authority Legislation.

The Ferry Services Manager and Public Works Director gave a brief presentation.

Councilmember Gilmore requested background on the Golden Gate Bridge Transit District; inquired how many ferries are run by the District.

The Ferry Services Manager responded that the Golden Gate Bridge Transit District is the largest ferry service on the Bay and carries approximately two million passengers per year; stated the District has five boats.

Councilmember Gilmore stated that the legislation was to ensure a coordinated emergency response effort; inquired why the largest provider [Golden Gate Bridge Transit District] is excluded.

The Public Works Director responded that he does not have an answer tonight, but that he will look into the matter.

Vice Mayor Tam stated that the development of the management plan for emergency response is very important; she would like to underscore that priority should be given to an Island such as Alameda with regard to emergency access; Alameda should not be left stranded by having its boats used elsewhere in the event of a big emergency.

Councilmember deHaan stated that dialogue was initiated with the Water Transit Authority (WTA) at one time; concerns involved whether the WTA had the wherewithal to move forward and take over a system; the City did not want to Alameda's system to deteriorate in any way; inquired whether the legislation could be signed as early as October 14.

The Public Works Director responded that the legislation was sent to the Governor on September 20; the Governor has thirty days to act on the legislation by either signing or vetoing the bill; the bill would be enacted if no action is taken.

Councilmember deHaan requested information on the difference between Alameda's and Vallejo's concerns.

The Public Works Director stated Alameda is trying to ascertain the value of its assets; approximately \$1.2 million could have gone into other types of services but said amount does not include the \$1 million that was funded through an assessment district for the Harbor Bay Ferry; Vallejo's assets are approximately \$112 million; Vallejo is a true transit agency that combines buses with the ferries; Harbor Bay's farebox recovery ratio is 46% and the Alameda/Oakland Ferry Service is over 50%; Vallejo's farebox recovery is 65%.

Councilmember deHaan inquired whether Vallejo is non-supportive of the legislation.

The Ferry Services Manager responded in the affirmative; stated Vallejo issued a letter requesting ferry riders to lobby the Governor.

Mayor Johnson stated that she does not know whether Vallejo has simply a lot of unanswered questions or is in complete opposition to an integrated Bay water transit system.

The Public Works Director stated that a lot of unanswered questions should be addressed in the cleanup legislation.

Mayor Johnson stated that Vallejo is unclear about what will happen

to a multi-million dollar grant to build a parking structure for ferry riders.

Councilmember deHaan stated Vallejo formed an Advisory Ridership Committee; inquired what methods would be used for outreach to the Alameda ridership.

The Public Works Director responded today's newspaper article provided information to residents; stated a notice was sent to ferry riders late today informing the riders of tonight's meeting.

Councilmember deHaan stated that a community workshop would be worthwhile.

Vice Mayor Tam inquired whether the reasoning for the urgency of the Bill is known, to which the Public Works Director responded that he did not know.

Bill Smith, Alameda, discussed flying vehicles.

Scott Henning, Alameda, stated that Council's vote will have the appearance of agreeing with approving the Bill; residents need to have a voice in how assets are managed; the Bill is proposing to give Alameda's assets to a regional authority where the City's voice is one of many regional cities; the big concern is that the Bill would transfer ownership; Vallejo is in extreme opposition to the Bill and is questioning its enforceability; ferry riders have been invited to attend Public Hearings in the past; Council should consider not adopting the report until Public Hearings are held, the City Attorney provides an opinion on whether or not the Bill is enforceable, and an Advisory Ridership Committee is established.

Mayor Johnson inquired whether the Short Range Transit Plan is required to be adopted, to which the Public Works Director responded in the affirmative.

Councilmember Matarrese stated that Council voting on the Short Range Transit Plan would not be supporting the Water Emergency Transportation Authority (WETA) Legislation the questions are the same as when the WTA made a presentation.

Councilmember Matarrese moved approval of adopting the Short Range Transit Plan.

Councilmember Matarrese stated that good suggestions have been made regarding public meetings; the cleanup legislation is an unknown.

Mayor Johnson stated that language could be added stating that the

City of Alameda has not taken a position on the legislation.

Councilmember Matarrese clarified that the motion adopts the Short Range Transit Plan; stated adopting the Short Range Transit Plan fulfills the City's responsibilities to Regional Measure 1; another motion could be made regarding Council hearing the [WETA] report.

Mayor Johnson inquired whether a separate motion could be made, to which the City Attorney responded in the affirmative.

Councilmember Matarrese moved approval of adopting the Short Range Transit Plan.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Matarrese stated suggestions have been made to hold public hearings with the point of establishing a Rider Advisory Group to ensure public input and to request the City Attorney's opinion regarding the enforcement of the transfer.

The City Attorney stated that a transfer cannot take place without fair market value compensation for any assets that would be transferred.

Councilmember Gilmore stated that the City Attorney's comments presupposes that the legislation is enforceable but that the WETA would need to pay the City; Vallejo's Mayor is questioning whether the legislation is enforceable.

The City Attorney stated the legislation purports and attempts to pre-empt Charter cities; said issue could be challenged.

Bruce M. McBride, Alameda, stated that Vallejo has a tremendous ferry organization and has a dedicated ridership; most of the riders come from Antioch; Alameda is in a different situation than Larkspur or Vallejo; Vallejo does not pass under major airliner routes nor is juxtaposed to any international airports; the Alameda route has ninety percent of its transit immediately adjacent to major container ships; all ferry boats on the Bay have repair services performed at one facility in Alameda.

Mayor Johnson stated that Council is not taking a position on the legislation; the issue is on going.

Councilmember deHaan stated Mr. McBride brought up some good, solid points.

Councilmember Matarrese stated Council heard the update; the public needs to understand what is happening; workshops are a good way to update the public and provide timelines.

Councilmember Matarrese moved approval of adopting the City of Alameda Ferry Short Range Transit Plan with the stipulation that workshops be conducted to inform the public on the legislation.

Councilmember deHaan seconded the motion with the caveat that the emergency portion needs to be flushed out; the emergency portion was the driving force; noted new routes are being initiated.

The Public Works Director stated that the WTA is currently pursuing an Oakland to South San Francisco route.

Vice Mayor Tam stated that she is concerned with the legislation being rushed; public workshops are being rushed; inquired whether the workshop's point would be to synthesize the public's comments in order to take a position or request the City's support of the Bill in order to respond to the Legislature.

Mayor Johnson stated the purpose of the workshop would be to inform the public.

The Public Works Director stated the workshop would educate the public on the Bill; a WTA representative could be at the meeting to answer questions; a Blue Ribbon Task Force was created to look at the needs for emergency response from a ferry perspective and could be the reason for the urgency of the bill.

Councilmember deHaan stated that [Blue Ribbon Task Force] came from the Metropolitan Transportation Commission.

Mayor Johnson stated AC Transit expressed interest in operating the ferries at one point.

Councilmember deHaan inquired when the WTA was formed, to which the Deputy City Manager responded 1999.

Vice Mayor Tam stated that she is very supportive of regional cooperation and opportunities to leverage assets with other regional agencies; the question is one of process; inquired whether the City was consulted about the legislation during discussions on the formation of an emergency transit authority.

The Public Works Director responded that changes were made to the legislation a couple of days before passage.

Mayor Johnson stated the City and WTA were following the legislation very closely; a lot of late changes were made.

Councilmember Matarrese stated that he attended a meeting that presented some dramatic scenarios on what would happen when the big one hits the Bay Area; he is surprised that the legislation happened so quickly; WTA came to the City a year ago; serious momentum is behind the legislation; the City needs to ensure that 1) current service is not lost, 2) Alameda receives the benefit of having the boats, 3) the Mayor is on the [WETA] Board, and 4) the City is reimbursed for any money that the City could have invested in infrastructure other than the ferry.

Vice Mayor Tam stated that there is a presumption that SB976 is a foregone conclusion; the Bill requires workshops be scheduled to inform and educate the community regarding the transition plan; she is unclear on whether there are any opportunities to include amendments before the Governor signs the Bill.

The City Manager stated that the City has the opportunity to be involved with cleanup legislation.

Vice Mayor Tam inquired whether there are any commitments from the Senators or Legislature to sponsor the cleanup legislation.

Mayor Johnson responded that the legislation has so many loose ends and cannot move forward without cleanup legislation; inquired whether discussions will begin in January.

The Deputy City Manager responded the Legislature will reconvene in December to conduct housekeeping business; stated the real work will start in January; Senator Perata's staff discussed the need for cleanup legislation; there is not an opportunity to make changes to SB976; amendment opportunities will come up in the next Legislative session.

Councilmember Gilmore stated the Governor either has to sign, not sign, or veto the bill; inquired whether there is any sense of which way the Governor is leaning.

The Deputy City Manager responded in the negative; stated a lot of Republicans voted no on the Bill; the Department of Finance will recommend a no vote since there were a lot of Republican no votes; the Governor does not always take the Department of Finance's recommendation; the Governor may be willing to sign the Bill in order to move other priorities forward; she continues to check on the status, but no action has been taken yet.

Councilmember Matarrese stated said information is valuable; the entire regional economy is being reviewed; Alameda needs to ensure representation.

The Deputy City Manager stated that the Bay Area Council is one of the Bill's sponsors and has been advocating very strongly for the legislation.

On the call for the question, the motion carried by unanimous voice vote - 5.

(07-484) Introduction of Ordinance Amending the Alameda Municipal Code by Revising Various Sections of Chapter II (Administration), Chapter VIII (Traffic, Motor Vehicles and Alternative Transportation Modes), and Chapter XII (Designated Parking) to Modify the Transportation Commission's Purpose and Authority. Introduced.

The Public Works Director provided a brief presentation.

Bill Smith, Alameda, discussed Alameda.

Councilmember deHaan inquired whether the [signal] chirping issue would have been addressed if the matter was not brought to Council's attention.

The Public works Director responded new traffic devices will be brought to the Transportation Commission now.

Councilmember deHaan inquired where red zones and bus stops issues would be addressed.

The Public Works Director responded that his decisions could be appealed to the Transportation Commission; stated the Transportation Commission decisions could be appealed to Council; Council's decisions would be final.

Councilmember deHaan stated the Transportation Technical Team would still meet because the Team is made up of staff which meets regularly.

The Public Works Director stated on-going meetings are scheduled on a monthly basis with the Police Department.

Councilmember Matarrese stated the two tables show the authorities of the proposed changes as well as the summary of changes clearly.

Councilmember Matarrese moved introduction of the ordinance.

Vice Mayor Tam seconded the motion.

Under discussion, Vice Mayor Tam thanked the Transportation Commission for taking Council's comments to heart at the Joint Meeting in May.

Mayor Johnson stated the changes are good; she was an original member of the Public Transit Committee which evolved into the Transportation Commission; the past system was odd; the proposed changes make the process clearer.

Councilmember deHaan stated that he was involved with an issue brought to the Transportation Advisory Board and took exception because the decision seemed like a done deal; the proposed ordinance would establish the proper process.

On the call for the question, the motion carried by unanimous voice vote - 5.

ORAL COMMUNICATIONS, NON-AGENDA

(07-485) Clyde Ryan, Alameda, (submitted a letter); stated that the Island Drive and McCartney Road four-way stop is not working; four accidents have occurred between September 2006 and January 31, 2007; the intersection is dangerous.

Mayor Johnson inquired whether Mr. Ryan was the only crossing guard at the intersection, to which Mr. Ryan responded in the affirmative.

Mayor Johnson stated the intersection is very wide and is a large area for one crossing guard to cover.

Councilmember Matarrese suggested that the Public Works Director review the matter.

Councilmember deHaan stated that the matter was initially addressed in March 2006; Mr. Ryan's letter provides an update on the matter.

Mr. Ryan stated that two crossing guards should be assigned to the intersection.

(07-486) Lisa Schmeiser, Alameda, stated that hours have been cut back for the volunteers at the Alameda Animal Shelter; the animals are not getting the same treatment as in the past; suggested forming a committee that would look into the feasibility of setting up a shelter as a separate City agency with an independent animal

welfare commission; urged that the results of the internal affair probe be released to the public.

Mayor Johnson stated that the Police Department is preparing a report to Council that will be made public; internal affair investigation reports are not public.

(07-487) Bill Smith, Alameda, discussed volunteering.

COUNCIL COMMUNICATIONS

(07-488) Councilmember deHaan stated that Alameda Power and Telecom had a meeting regarding the Solar Rebate Program last week; the meeting was well attended; a policy will come to Council.

The City Manager stated a policy will go to the Public Utilities Board in November with input from the meeting.

Councilmember deHaan stated many people are interested in the program even though solar energy does not seem to be very efficient in Alameda.

Mayor Johnson requested staff to look into the Navy's quarterly Partners Sustainability Meetings; stated that the Navy has done a lot of research on alternative and solar energy.

(07-489) Mayor Johnson stated that she and Councilmember Matarrese met with staff and Oakland Council President Ignacio de La Fuente regarding the realignment of a train route and re-routing of more trains onto the track that crosses 29th Avenue; Alameda and Oakland are planning a workshop on October 11; Alameda motorists need to be able to continue on once over the [Park Street] bridge; the issue is significant and affects Oakland Councilmember Kernighan's district; the purpose of the meeting is to inform Oakland and Alameda residents on what is known at the time.

Councilmember Matarrese stated a railroad track is crossed when motorists proceed outbound on the Park Street Bridge; said railroad track would have increased train traffic inbound; the train traffic would go through the neighborhood along Fruitvale Avenue and cross the off ramp to I-880 southbound onto Fruitvale Avenue; Councilmember de La Fuente's office found out about the situation when the Union Pacific Railroad sought permits for traffic diversion on 29th Avenue to start repairing the tracks.

The City Manager stated the meeting is scheduled for October 11th at 6:30 p.m.; the location is to be determined; information will be provided through a press release as well as the City's website.

Mayor Johnson stated the issue is significant for Alameda; currently, the Railroad is stating that there would be only three trains per day, but there is no future limit; Alameda is fortunate to have the City of Oakland's cooperation on the matter; the next meeting will include Councilmember Kernighan's office.

Councilmember deHaan inquired whether other meetings with the Oakland Councilmembers are planned, to which Mayor Johnson responded in the affirmative.

ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 9:52 p.m.

Respectfully submitted,

Lara Weisiger
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -OCTOBER 2, 2007- -6:00 P.M.

Mayor/Chair Johnson convened the Special Meeting at 6:10 p.m.

ROLL CALL - Present: Councilmembers/Commissioners deHaan,
Gilmore, Matarrese, Tam, and Mayor/Chair
Johnson - 5.

Absent: None.

The Special Meeting was adjourned to Closed Session to consider:

(07-467CC) Conference with Labor Negotiators: Agency Negotiators:
Craig Jory and Human Resources Director; Employee Organizations:
All City Bargaining Units.

(07-468CC) Conference with Legal Counsel - Anticipated Litigation;
Initiation of litigation pursuant to subdivision (c) of Section
54956.9; Number of cases: One.

(07-469CC) Conference with Legal Counsel - Existing Litigation;
Name of case: Harbor Bay Isle Associates v. City of Alameda.

(07-037CIC) Conference with Real Property Negotiators; Property:
Alameda Theater Retail Spaces, 2315 and 2319 Central Avenue;
Negotiating parties: CIC and Retail Tenants; Under negotiation:
Price and terms.

Following the Closed Session, the Special Meeting was reconvened
and Mayor/Chair Johnson announced that regarding Labor, Council
received a briefing from its Labor Negotiators and gave direction;
regarding Anticipated Litigation, Council gave direction to Legal
Counsel regarding initiation of litigation; regarding Existing
Litigation, Legal Counsel briefed Council on the status of the
litigation; regarding Real Property, the Commission received a
briefing from its Real Property Negotiators and gave direction.

Adjournment

There being no further business, Mayor/Chair Johnson adjourned the
Special Meeting at 7:45 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown
Act.

MINUTES OF THE SPECIAL JOINT CITY COUNCIL, ALAMEDA
REUSE AND REDEVELOPMENT AUTHORITY (ARRA), AND
COMMUNITY IMPROVEMENT COMMISSION (CIC) MEETING
TUESDAY- -OCTOBER 2, 2007- -7:25 P.M.

Mayor/Chair Johnson convened the Special Joint Meeting at 7:54 p.m.
Councilmember/Commissioner deHaan led the Pledge of Allegiance.

ROLL CALL - Present: Councilmembers/Board Members/Commissioners
deHaan, Gilmore, Matarrese, Tam and
Mayor/Chair Johnson - 5.

Absent: None.

CONSENT CALENDAR

Vice Mayor/Board Member/Commissioner Tam moved approval of the
Consent Calendar.

Councilmember/Board Member/Commissioner Matarrese seconded the
motion, which carried by unanimous voice vote - 5. [Items so
enacted or adopted are indicated by an asterisk preceding the
paragraph number.]

(*07-470CC/*07-038CIC) Minutes of the Special Joint City Council
and Community Improvement Commission Meeting of September 18, 2007.
Approved.

(*07-471CC/*07-039CIC) Recommendation to accept the Quarterly
Financial Report for the period ending June 30, 2007. Accepted.

AGENDA ITEMS

None.

ADJOURNMENT

There being no further business, Mayor/Chair Johnson adjourned the
Special Joint Meeting at 7:55 p.m.

Respectfully submitted,

Lara Weisiger, City Clerk
Secretary, Community Improvement
Commission

The agenda for this meeting was posted in accordance with the Brown
Act.